

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
JOY CONSTRUCTION CORPORATIONDEFENDANTS
STARSTONE SPECIALTY INSURANCE COMPANY

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Joshua L. Mallin and Danielle N. Johnson: Weg & Myers, P.C.
800 Westchester Avenue, Suite N-513, Rye Brook NY 10573
(212) 227-4210

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Breach of contract and declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 for Defendant's failure to defend/indeemnify under policy.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[x] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM	
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE	REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	INJURY PRODUCT LIABILITY	PROPERTY RIGHTS		[] 430 BANKS & BANKING	
[] 151 MEDICARE ACT	[] 340 MARINE	PERSONAL PROPERTY	[] 820 COPYRIGHTS	[] 880 DEFEND TRADE SECRETS ACT	[] 450 COMMERCE	
[] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[] 460 DEPORTATION	
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		SOCIAL SECURITY		[] 480 CONSUMER CREDIT	
[] 190 OTHER CONTRACT		[] 360 OTHER PERSONAL INJURY	LABOR	[] 861 HIA (1395ff)	[] 485 TELEPHONE CONSUMER PROTECTION ACT	
[] 195 CONTRACT PRODUCT LIABILITY		[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 862 BLACK LUNG (923)		
[] 196 FRANCHISE	ACTIONS UNDER STATUTES		[] 385 PROPERTY DAMAGE	[] 863 DIWC/DIWV (405(g))	[] 490 CABLE/SATELLITE TV	
	CIVIL RIGHTS		PRODUCT LIABILITY	[] 864 SSID TITLE XVI	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
		[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	PRISONER PETITIONS	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS	
REAL PROPERTY			[] 463 ALIEN DETAINEE	[] 710 FAIR LABOR STANDARDS ACT	[] 891 AGRICULTURAL ACTS	
[] 210 LAND CONDEMNATION			[] 510 MOTIONS TO VACATE SENTENCE	[] 720 LABOR/MGMT RELATIONS	[] 893 ENVIRONMENTAL MATTERS	
[] 220 FORECLOSURE			28 USC 2255	[] 740 RAILWAY LABOR ACT	[] 895 FREEDOM OF INFORMATION ACT	
[] 230 RENT LEASE & EJECTMENT			[] 530 HABEAS CORPUS	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 896 ARBITRATION	
[] 240 TORTS TO LAND			[] 535 DEATH PENALTY	[] 790 OTHER LABOR LITIGATION	[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[] 245 TORT PRODUCT LIABILITY			[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 950 CONSTITUTIONALITY OF STATE STATUTES	
[] 290 ALL OTHER REAL PROPERTY						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | |
| <input type="checkbox"/> a. all parties represented | | | | | | |
| <input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[X] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

40 Fulton Street, 22nd Floor, City of New York, County of New York, and State of New York.

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

1209 Orange Street, Wilmington, Delaware 19801.

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

Joshua L. Mallin

DATE 7/3/2024

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[X] YES (DATE ADMITTED Mo. 12 Yr. 1987)
Attorney Bar Code # JLM0474

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)